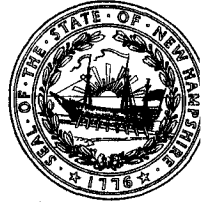




The State of New Hampshire  
*Department of Environmental Services*



Michael P. Nolin  
Commissioner

August 8, 2005

Glenn Peters  
PO Box 674  
Farmington, NH 03835

Re: Docket No. AF 04-074 Motion to Accept Settlement Agreement

Dear Mr. Peters:

Enclosed for your records is a copy of the fully executed and accepted Motion to Accept Settlement Agreement in the above-captioned matter.

On behalf of the Department of Environmental Services, thank you for your cooperation in resolving this matter.

Sincerely,

**COPY**  
Michael J. Sclafani  
Legal Assistant

cc: Anthony P. Giunta, P.G., Director, Waste Management Division  
Gretchen R. Hamel, Administrator, DES Legal Unit  
Kerry D. Barnsley, Compliance Attorney, DES Legal Unit  
DES Public Information Officer  
Lynn Woodard, DES WMD  
Tom Beaulieu, DES WMD  
Susan Hanamoto, DES WMD

Glenn Peters  
P.O. Box 674  
Farmington, NH 03835  
RE: Wagon Wheel Store, Route 11  
Farmington, NH – UST ID # 0-114590

**ADMINISTRATIVE FINE  
No. AF 04-074**

**MOTION TO ACCEPT SETTLEMENT AGREEMENT**

NOW COME the Department of Environmental Services, Waste Management Division (“the Division”) and Glenn Peters, parties to the above-captioned matter, and stipulate to the following:

1. The Commissioner of the Department of Environmental Services (“DES”), is authorized under RSA 146-C:10-a to impose administrative fines of up to \$2,000 per offense for violations of RSA 146-C and Env-Wm 1401 relating to installation, maintenance, operation, and closure of underground storage facilities. Pursuant to RSA 146-C:10-a, the Commissioner has adopted Env-C 607 to establish the schedule of fines for such violations.
2. Glenn Peters is an individual having a mailing address of 161 Union Square, Milford NH 03055.
3. Glenn Peters is the registered facility owner of two underground storage tanks (“UST”) at the Wagon Wheel Store facility (“the Facility”), further identified as UST #0-114590, located on real property at Route 11 in Farmington, NH (“the Property”).
4. On September 9, 2004, the Division issued Notice of Proposed Administrative Fine and Hearing No. AF 04-074 (“the Notice”) to Glenn Peters, seeking fines totaling \$2,400 for violations of Env-Wm 1401.
5. Specifically, the Notice cited Glenn Peters for violating Env-Wm 1401.25(d) by failing to properly install and maintain overfill protection equipment on both USTs. Pursuant to Env-C 607.05(j) the Division sought a fine of \$400.
6. The Notice further cited Glenn Peters for violating Env-Wm 1401.30(b) by failing to perform the annual test for all line leak detectors on both USTs at the facility. Pursuant to Env-C 607.03(j) the Division sought a fine of \$2,000 for the facility.
7. In order to settle this matter, the Division and Glenn Peters have agreed to the terms of this Settlement Agreement (“Agreement”), as set forth herein.
8. Of the total proposed fine in the amount of \$2,400, 20% or \$480 shall be suspended due to the facilities small business status.
9. The suspended portion of the proposed fine is in the amount of \$480 is contingent upon

Glenn Peters maintaining the subject UST facility in compliance with Env-Wm 1401 for a period of two years from the date of the execution of this document. If Glenn Peters fails to maintain compliance during the two-year period, the suspended portion of the fine in the amount of \$480 shall become due immediately. If Glenn Peters maintains compliance for the prescribed two-year period, the suspended portion of the fine shall be waived.

10. Glenn Peters agrees to pay the remaining \$1,920 upon his execution of this Agreement.

11. Payment under Paragraph #10, and any payment that becomes due pursuant to Paragraph #9 shall be paid by certified check made payable to: "Treasurer, State of New Hampshire" and mailed to:

DES Legal Unit  
Attention: Michael Sclafani, Legal Assistant  
P.O. Box 95  
Concord, NH 03302-0095

12. If any payment is made by check or money order that is returned due to insufficient funds, pursuant to NH RSA 6:11-a, Department of Environmental Services ("DES") may charge a fee in the amount of 5% of the face amount of the check or money order or \$25.00, whichever is greater, plus all protest and bank fees, in addition to the amount of the check or money order, to cover the costs of collection.

13. By executing this Agreement, Glenn Peters waives his right to a hearing on or any appeal of the administrative fines identified in the Notice, and agrees that this Agreement may be entered into and enforced by a court of competent jurisdiction.

14. The effective date of this Agreement will be the date on which it is signed by Glenn Peters, the Director of the Waste Management Division, and Commissioner of DES. After that date, this Agreement may be amended only by written agreement signed by both parties and the Commissioner. Any such amendment will become effective on the date on which it has been accepted by the Commissioner.

15. No failure by DES to enforce any provision of this Agreement after any breach or default will be deemed as a waiver of its rights with regard to that breach or default, nor will such failures be construed as a waiver of the right to enforce each and all provisions of this Agreement on any further breach or default.

WHEREFORE, the parties respectfully request the Commissioner to accept the terms of this Agreement by granting this Motion.

Respectfully submitted,  
Glenn Peters

2-5-05  
Date

**COPY**  
Glenn Peters, Owner

DES Waste Management Division

8/2/05  
Date

**COPY**  
Anthony Giunta, F.G. Director

This Motion to Accept Settlement agreement is granted this 5<sup>th</sup> day of August, 2005.

**COPY**  
Michael J. Molin, Commissioner  
Department of Environmental Services